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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,082	12/03/2003	Frank N. Blundo	32978	6048
29669	7590	06/24/2005	EXAMINER	
PEARSON & PEARSON, LLP 10 GEORGIA STREET LOWELL, MA 01852			NGUYEN, CHI Q	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,082	Applicant(s) BLUNDO, FRANK N.	
	Examiner Chi Q Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 15-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☒ Claim(s) 3-7 and 11-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment</u> . |

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DETAILED ACTION

This Office action is in response to the applicant's amendment filed on 4/20/05.

Claim Objections

Claims 1, 3-7, 9, and 11-14 are objected to because of the following informalities: the citation "at the ends" does not have antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-7, and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard claim 1, the amended limitation "having retainer edges at the ends of the sides of said channel" is confusing and unclear.

In regard claim 4, it is not clear that "a flange" cited in claim 4 is same as "a flange" cited in claim 3? If it's the same flange then should be cited as "the or said flange". And claims 5 and 6 are having the same issues.

In regard claim 9, the amended limitation "retainer edges at the ends of the sides of the sides of said first channel and said second channel" is confusing and unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kay (US 4,704,839).

In regarding claim 1, Kay teaches a panel of thermal barrier extrusion 150 comprising at least one channel C (see attachment of figure 8) positioned on a side of the panel having retainer edges E on each side of the channel C, said channel extending the length of the panel 150, a thermally non-conducting section 130 (figure 7) of the panel located adjacent to the channel C and extending the length of the panel, an end section S (see attachment of figure 8) of the panel having a first end F attached to the thermally non-conducting section 130 and extending the length of the panel and a second opposite end P having an elongated slot G.

In regarding claim 9, Kay teaches a panel of thermal barrier extrusion 150 comprising a first side of the panel 150 having a first channel C (see attachment of figure 8), and a second channel B, said second channel being adjacent to the first channel, and the first channel and the second channel extending the length of the panel, each of said first channel and said second channel comprises retainer edges E on each side of the channels C, B, respectively, a thermally non-conducting section 130 (fig. 7) of the panel located adjacent to the first channel and extending the length of the panel, an outer end section having a first end F attached to the thermally non-conducting section 130 and extending the length of the panel, and a second opposite end P of the end section having an elongated slot G.

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In regarding claims 2 and 10, each of the channels 150 and 154 is inherently having retaining edges, one on each side.

Allowable Subject Matter

Claims 3-7, and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 4/20/05 that the Kay's prior art does not teach the channel having retainer edges have been fully considered but they are not persuasive because the applicant's claimed retainer edges do not structurally differentiate from the Kay's channel C or channel B, which inherently having retainer edges on each side as set forth above. Thus, the examiner believes the prior art teaches the claimed invention and the applicant's amendment does not overcome the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113.


CQN

6/16/2005


Naoko Slack
Primary Examiner

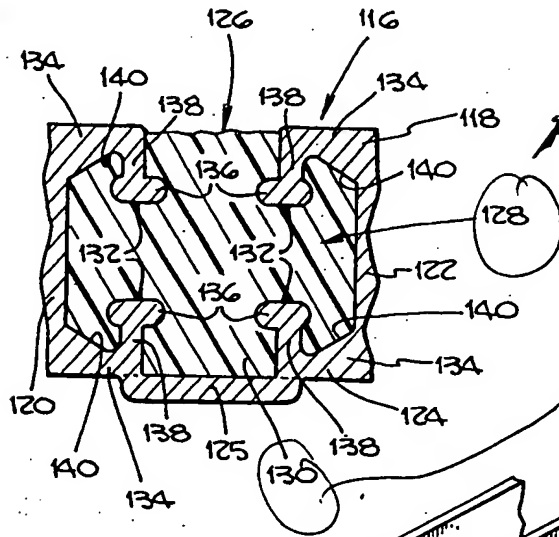


Fig. 7.

a thermally nonconducting section

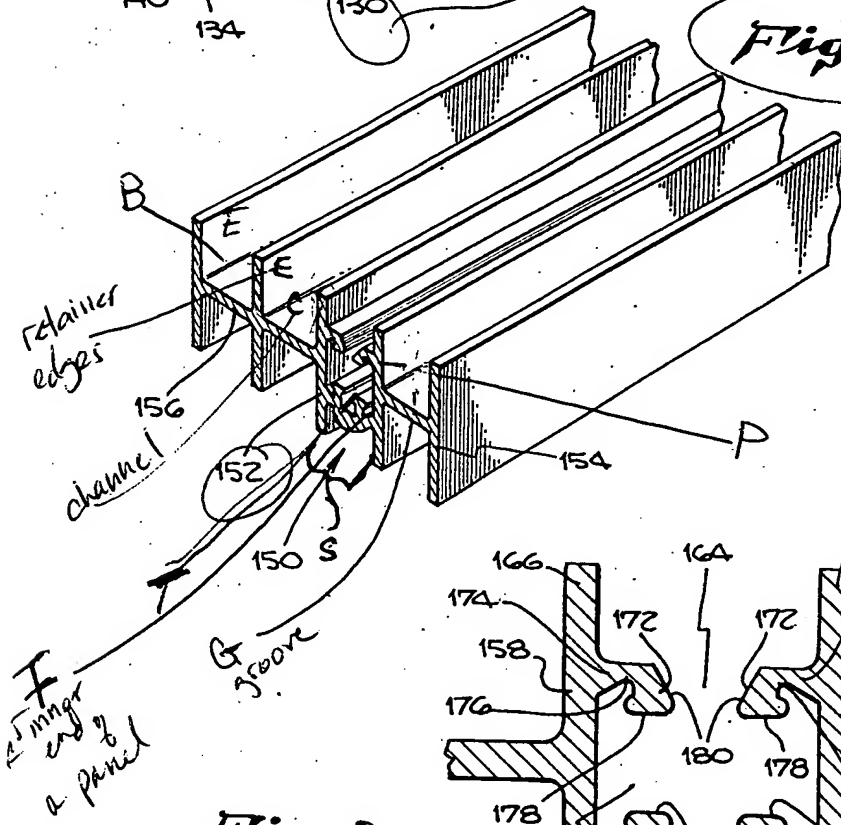


Fig. 8.

Fig. 9.

